



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Application of: Polyakov & Ivanova) Confirm. No.: 5045
Serial No.: 10/828,790) Art Unit: 1645
Filed: April 21, 2004) Examiner: Minnifield, Nita M.
For: DERMATOMYCOSIS VACCINE
Docket No.: 3/400-5-C5

Mail Stop RCE
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

RESPONSE

Sir:

This is in response to a communication from the Examiner in charge of the subject application which communication was mailed on June 14, 2005. The communication mailed June 14th comprised a final rejection.

In the June 14th communication, the Examiner has withdrawn all rejections except the rejection under 35 U.S.C. §112 and the obvious-type double-patenting rejection in view of U.S. Patent 6,872,399. In view of the following, reconsideration of such rejections is respectfully requested.

U.S. Patent 6,872,399 (the '399 patent), which issued on the parent application to the subject application, claims a vaccine composition comprising three (3) specific dermatophyte strains (claim 1) and a vaccine composition comprising eight (8) specific dermatophyte strains. The subject application provides support for vaccine compositions having more than three dermatophyte strains (see specification at page 17, lines 4-9, pat. page. 16, lines 10-25, at page 3, lines 11-13 and at page 18, lines 24-25), including a vaccine composition having eight dermatophyte strains. The issuance of the '399 fully supports such position. The Examiner's arguments over failure to comply with Section 112 are not understood in view of the issuance of the '399 patent. The subject application has claims directed to a vaccine composition comprising four (4) specific dermatophyte strains and a vaccine composition